

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2013SYW023
DA Number	0453/12
Local Government Area	Ku-ring-gai Council
Proposed Development	Sydney Adventist Hospital - Construct 2 residential buildings (4 and 6 storeys) for student accommodation containing 126 studios, construct 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units), basement carparking, landscaping and stormwater works and subdivision - DA0453/12 lodged pursuant to the Minister of Planning Major Project Approval No.07_0166 MOD 4, Concept Plan for Wahroonga Estate (Precinct C: Central Hospital)
Street Address	185 Fox Valley Road, WAHROONGA
Applicant	Seventh-Day Adventist Church (Spd) Limited
Owner	Australasian Conference Association Limited
Number of Submissions	Twenty eight for original plans; two for amended plans
Regional Development Criteria (Schedule 4A of the Act)	The development application has a capital investment value of greater than \$20 million
List of all relevant s79C(1)(a) Matters	Wahroonga Estate Concept Plan – Major Project No. 07_0166 SREP (Sydney Harbour Catchment) 2005 SEPP (BASIX) 2004 SEPP (Infrastructure) 2007 SEPP 55 – Remediation of Land SEPP 65 – Design Quality of Residential Flat Buildings Ku-ring-gai Contributions Plan 2010
List of all documents submitted with this report for the panel's consideration	Attachment A - Applicant letter responding to JRPP deferral Attachment B - RMS advice regarding proposed modifications to existing traffic signals (dated 26 July 2012) Attachment C - RMS traffic signals plans Attachment D - Applicant's consulting traffic engineer letter regarding length of left turn lane for intersection upgrade Attachment E - Architectural plan detailing kerb setbacks Attachment F - Subdivision plan Attachment G - Plan of eastern boundary alignment Attachment H - Mod 4 approved indicative floor plan Attachment I - Estate access diagram Attachment J - Assessment report considered by JRPP at the meeting on 16 June 2015 Attachment K - JRPP decision (deferral) at the meeting on 16 June 2015
Recommendation	Approval
Report by	Joshua Daniel, Executive Assessment Officer

185 FOX VALLEY ROAD, WAHROONGA – SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE FOR REPORT:

To address the issues raised by the Sydney West Joint Regional Planning Panel (JRPP) at the 16 June 2015 meeting and for the JRPP to determine Development Application No. 0453/12 which seeks consent to construct 2 residential buildings (4 and 6 storeys) for student accommodation containing 126 studios, construct 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units), basement carparking, landscaping and stormwater works and subdivision - pursuant to the Minister of Planning Major Project Approval No. 07_0166 MOD 4, Concept Plan for Wahroonga Estate (Precinct C: Central Hospital), at 185 Fox Valley Road, Wahroonga.

BACKGROUND:

At its meeting on 16 June 2015 the JRPP resolved to defer determining the application to allow the applicant to respond to the following issues raised by the Panel:

1. *Advice in regard to the design and land requirements required by the RMS for intersection and road improvements. That advice is to define the impact of those works on the subject site.*
2. *Consultation with Council so as to provide clarification as to the disputed location of the cycle network and compliance in that regard with the Concept Plan.*
3. *Amendment of the proposed subdivision to provide a minimum distance of 6 metres from the proposed allotment boundary to the eastern wall of the proposed buildings.*

COMMENTS:

The adequacy of the additional information submitted by the applicant to address the issues raised has been assessed.

RECOMMENDATION:

Approval

Legislative requirements

Zoning	SP1 – Special Activities
Permissible Under	SEPP (Major Development) 2005
Relevant legislation	Wahroonga Estate Concept Plan (Major Project No. 07_0166) SREP (Sydney Harbour Catchment) 2005 SEPP (BASIX) 2004 SEPP (Infrastructure) 2007 SEPP 55 – Remediation of Land SEPP 65 – Design Quality of Residential Flat Buildings
Integrated Development	Yes (Rural Fires Act 1997)

PURPOSE FOR REPORT

To address the issues raised by the Sydney West Joint Regional Planning Panel (JRPP) at the 16 June 2015 meeting and for the JRPP to determine Development Application No. 0453/12 which seeks consent to construct 2 residential buildings (4 and 6 storeys) for student accommodation containing 126 studios, construct 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units), basement carparking, landscaping and stormwater works and subdivision - pursuant to the Minister of Planning Major Project Approval No. 07_0166 MOD 4, Concept Plan for Wahroonga Estate (Precinct C: Central Hospital), at 185 Fox Valley Road, Wahroonga.

BACKGROUND

A development assessment report (**Attachment J**) was considered by the JRPP at its meeting of 16 June 2015 where it was resolved to defer the determination pending the submission of additional information by the applicant. The JRPP decision (**Attachment K**) reads as follows:

“The decision of the Panel is to defer determining the application to allow the applicant to respond to the following issues raised by the Panel:

- 1. Advice in regard to the design and land requirements required by the RMS for intersection and road improvements. That advice is to define the impact of those works on the subject site.*
- 2. Consultation with Council so as to provide clarification as to the disputed location of the cycle network and compliance in that regard with the Concept Plan.*
- 3. Amendment of the proposed subdivision to provide a minimum distance of 6 metres from the proposed allotment boundary to the eastern wall of the proposed buildings.*

This information is to be provided to Council by 16 July 2015.

The Panel requires that a further assessment report be presented addressing the above matters. Should the assessment recommend refusal of the proposed development the Panel requires without prejudice draft conditions of consent to

be included to enable a final decision to be made in the event the Panel determine to approve the proposal.

The Panel considered its further consideration of this application should include advice from RMS regarding required road works design and the extent of land that will require to be excised from the subject site”.

COMMENTS

In response to the deferral, the applicant submitted amended plans and additional information which were received on 30 July 2015. The adequacy of this information to address the issues identified by the JRPP is assessed below.

Item 1:

Advice in regard to the design and land requirements required by the RMS for intersection and road improvements. That advice is to define the impact of those works on the subject site.

The applicant submitted correspondence from the RMS (***Attachments B & C***) and advice from a consulting traffic engineer, Transport and Traffic Planning Associates (***Attachment D***), regarding length of left turn lane for the required upgrade at the intersection of The Comenarra Parkway and Fox Valley Road.

The information and plans provide sufficient certainty that the road alignment and resultant alignment of the front boundary of the site will provide a 6 metres (minimum) front setback to Building B and Building D, with the exception of an encroachment of the balconies at the eastern end of the frontage of Building D, where the reduced setback is a 3.9 metres setback (***Attachment E***). The prevailing setback, including the balcony encroachment, is generally consistent with the Concept Approval MOD 4 plans (Precinct C Detail 2, Drawing No. 13052-75W-03, Issue B, dated 17 September 2013) (***Attachment H***).

The resultant setbacks are acceptable having regard to the building footprint and landscaped area as envisaged by the Concept Approval, which specifies the retention of existing mature trees along The Comenarra Parkway frontage, together with additional street tree planting to create attractive shaded streets on all sides.

This matter is discussed by specialist assessment staff in detail below and in summary, the additional information provided satisfactorily addresses the issue, subject to the recommended conditions.

Item 2:

Consultation with Council so as to provide clarification as to the disputed location of the cycle network and compliance in that regard with the Concept Plan.

Consultation has not occurred with Council regarding the location of the shared pedestrian/cycle path designated by the Concept Approval and as depicted on the northern perimeter of the site in approved plans.

The applicant's response to this issue details an allocation of space and line-marking of a shared vehicle/bicycle network on the internal road, rather than a dedicated shared pedestrian/bicycle path along the site's northern boundary. As discussed below by Council's Strategic Transport Engineer and Urban Design consultant, this is inconsistent with the original Concept Approval. In particular, **Figure 1** (below) of the

approved Final Preferred Project & Concept Plan illustrates the street section within the main ring-road through the Estate as indicated in **Figure 2** (below) upon which the subject site is located. **Figure 1** clearly shows a dedicated pedestrian/cycle path separate to the vehicular carriageway and, as such, this formed the Concept Approval, rather than a shared vehicular/pedestrian/cycle path as is currently submitted by the applicant.

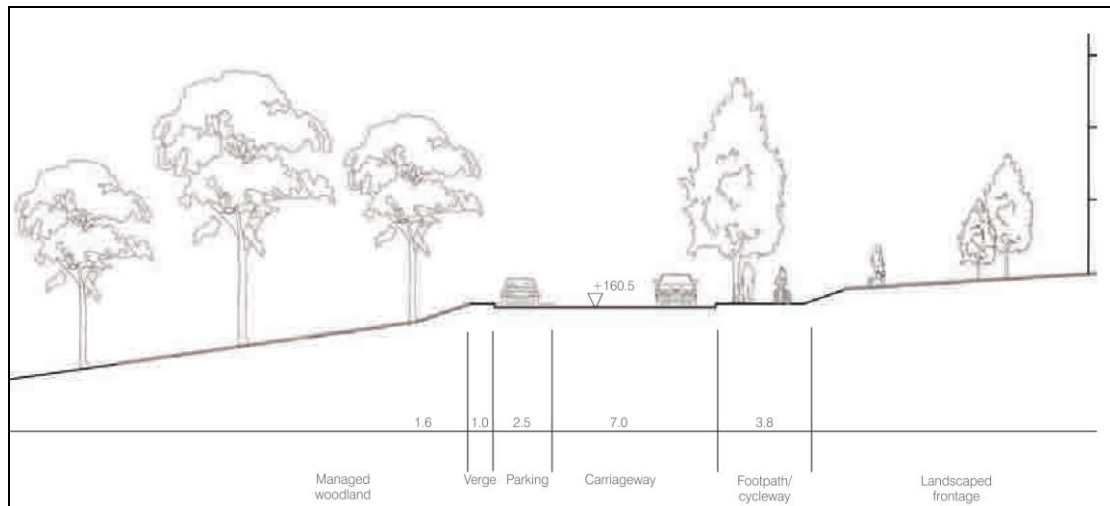


Figure 1 - Concept Plan approved section indicating dedicated shared footpath/cycleway (Figure 68, page 71, 'Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Final Preferred Project', January 2010)

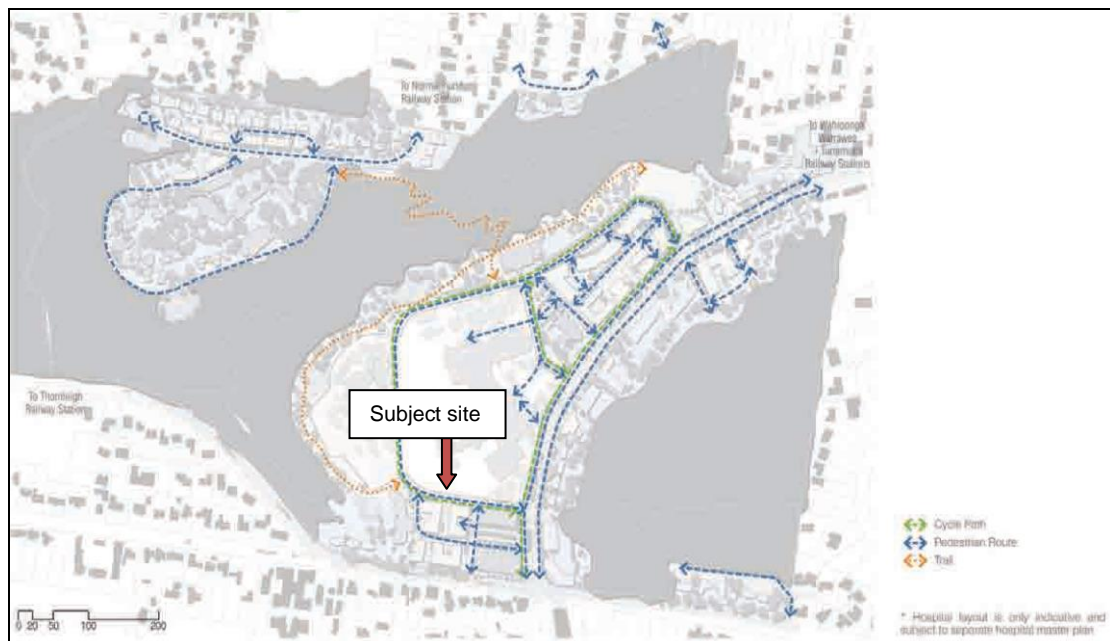


Figure 2 - Concept Plan approved plan indicating pedestrian/cycle linkages across the entire Sydney Adventist Hospital with subject site (Precinct C) annotated (Figure 80, page 78, 'Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Final Preferred Project', January 2010)

The applicant's response to this issue is inconsistent with the Estate Access Diagram (**Attachment I**) previously submitted by the applicant, which also indicates provision of a shared pedestrian and cycle pathway along the site's northern perimeter.

Council's Strategic Transport Engineer and Urban Design Consultant have commented on this issue in further detail below and it is recommended that a condition of consent be imposed to ensure provision of a dedicated path along the site's northern boundary (**Condition 3**). Provision of the dedicated pathway is required in order to deliver a system to encourage alternative transport and reduce car dependence and reinforce the living-working community environment as envisaged by the Concept Approval.

Item 3:

Amendment of the proposed subdivision to provide a minimum distance of 6 metres from the proposed allotment boundary to the eastern wall of the proposed buildings.

The applicant submitted an amended subdivision plan in response to the above issue. Contrary to the JRPP deferral requirement, the submitted plan indicates a distance of 3.483 metres from the proposed boundary allotment to the eastern wall of the proposed Building C (which has a varied building footprint as compared with the submitted architectural plans). The full extent of the boundary is not shown on the plan such that no indication of the setback to Building D is provided.

The applicant's reasoning for providing a lesser setback relate to fire protection/upgrade requirements of an existing medical centre building located to the east and building separation requirements of the Concept Approval between the subject residential buildings and the future mixed use development on the adjoining site. The applicant's reasons are discussed in detail by Council's Urban Design Consultant below and considered invalid or unsubstantiated.

In summary, the following deficiencies have been identified with the submitted plan:

a) Insufficient setback to the eastern wall of the proposed buildings

The JRPP deferral specified a minimum distance of 6 metres from the proposed boundary allotment to the eastern wall of the proposed buildings. This has not been provided on the amended plan, which provides a distance of 3.483 metres. Such setback is insufficient to ensure suitable building separation and landscape amenity as required by the Concept Approval.

Therefore, a minimum setback distance of 6 metres is required in accordance with the JRPP decision for the following reasons (as stated below by Council's Urban Design Consultant):

- a) to accommodate large trees so that both Ku-ring-gai's landscape character (and in the subject DA) the Concept Plan 'Campus' landscape character can be achieved;*
- b) so that equitable future (residential) development potential is achieved between sites without impacting on the amenity of either development; and*
- c) to ensure the design quality obligations for SEPP 65 Apartment Design Guide (formerly RFDC) building separations for acoustic and visual amenity are achieved (and as required under the MOD 4 MP07_0166 approval).*

b) Inadequate detail provided on amended subdivision plan

The building footprint for the proposed development on the amended subdivision plan is inconsistent with the architectural plans and therefore cannot be relied upon for contextual purposes.

The eastern boundary alignment is incomplete as shown on the plan and does not indicate the full extent of the eastern boundary alignment/building setback in relation to the southern portion of the site.

In summary, insufficient clarity has been provided in relation to the proposed building footprint and its setback to the eastern boundary.

Accordingly, the applicant's response to the JRPP issue is considered unsatisfactory and the proposed reduced setback is not supported. In order to achieve a suitable setback for future building separation and landscaping amenity as per the Concept Approval, a condition of consent is recommended to ensure a setback of 6 metres from the allotment boundary to the eastern wall of the proposed buildings (**Condition 2**). Additionally, it will be required by condition that the ground floor terraces of Building C do not encroach within this setback by more than 2.5 metres, cognisant of the building footprint shown on the architectural site plan and ground floor plan.

COMMUNITY CONSULTATION

The amended plans and information submitted by the applicant were not required to be notified pursuant to Council's Notification DCP and no submissions were received.

INTERNAL REFERRALS

Engineering

Council's Development Engineer commented on the supplementary information as follows:

"Subdivision

*The application includes subdivision of two lots, 101 and 102, being the residential site and a future commercial site, at the corner of The Comenarra Parkway and Fox Valley Road. The subdivision relies on the registration of the subdivision approved under DA0030/12 and Mod0130/13, which is not registered (Council is awaiting additional information prior to endorsing the Subdivision Certificate). Therefore a **deferred commencement** consent is recommended, with the registration of the subdivision approved under DA0030/12 as the Schedule A condition (**Condition 1**).*

Water management

The civil design plans show an on-site detention tank of 110 cubic metres and a rainwater tank of 190 cubic metres. However, the Civil Design Report states that 20 cubic metres of rainwater storage is to be provided. The WSP Ecologically Sustainable Development Strategy states that a 40% reduction in mains water usage can be achieved for the non-BASIX component of the development by the re-use of stored rainwater for irrigation.

Condition B11 of the Concept Approval states that the stormwater management plan for each development application must demonstrate that water sensitive urban design measures have been integrated into the development.

*The Statement of Commitments requires water sensitive urban design measures to be provided generally in accordance with the recommendations of the Wahroonga Estate Flooding and Stormwater Master plan (Hyder Consulting, February 2009). This report assumes a certain rainwater tank volume overall for each precinct and that re-use will be for toilet flushing as well as irrigation. The Construction Certificate plans may be based on the Taylor Thomson Whitting plans but the rainwater tank volume and level of re-use should be clarified with reference to the Hyder Report (**Condition 21**).*

*A proprietary water quality device is shown on the civil plans but without any specification. The report just reproduces the relevant section of Council's DCP 47. MUSIC modelling to confirm that Council's targets will be met by the proposed treatment train can be done prior to the issue of the Construction Certificate (**Condition 21**).*

Traffic and parking

The parking provision and layout of the carpark have been previously assessed and found to be satisfactory.

The future boundary along The Comenarra Parkway frontage has been determined and pegged. The improvement works at the intersection are required under the concept approval and their timing is set by that approval. So no conditions are recommended for this DA in relation to the works (except for footpath – see below).

*Roads and Maritime Services also made comments for consideration in the determination of the application which have been included in the recommended conditions (**Conditions 6, 11, 33, 39**).*

Waste management

*The proposed waste arrangements have been reviewed by Council's Waste Services section and are satisfactory. An easement for waste collection will be required over the basement and the path of travel of the small waste collection vehicle (**Condition 75**).*

Council infrastructure

Council's Director Operations has advised that a footpath is required along the site's Comenarra Parkway frontage. This will necessitate a retaining wall behind the kerb, with the footpath elevated to bridge over tree roots. The footpath should meet the existing crossing/path at the Education Building. Landscape Services require hand excavation for the kerb and retaining wall where works are near trees.

*A design for these works will require the approval of the Director under the Roads Act 1993. This can be done before the issue of the Construction Certificate (**Condition 33**).*

Geotechnical investigation

The site is underlain by sandstone below 0.6 to 1.6 metres. The report contains recommendations for excavation methods and support, as well as vibration monitoring. Nearby structures are on the hospital grounds, however

dilapidation reporting is required by condition of consent due to the possibility that the site could be sold and a private developer could undertake the works (Condition 10).

Transport

Council's Strategic Transport Engineer commented on the supplementary information as follows:

“Intersection and road widening

Following receipt of clarification from TTPA (applicant's traffic engineer), the TTPA was contacted to discuss the issue of the length of the left turn slip lane from The Comenarra Parkway into Fox Valley Rd.

The length of the left turn slip lane has reduced from what we saw in the interim/ultimate design because the green traffic signal that controls the left turn movement gets called up more frequently than if it were a standard left/through kerbside lane (i.e. the left turners get more chances at turning left). The left turn is also less impacted/delayed by pedestrians crossing across The Comenarra Parkway with the pedestrian island next to the slip lane.

This information has helped to clarify the inconsistencies between the interim/ultimate layouts approved in principle by Council and the layout being proposed by the SAN.

Bicycle network

The applicant's suggestion to provide sufficient allocation of space and line-marking of a shared vehicle/bicycle network on the internal road is inconsistent with the types of facilities suggested in the Sustainable Transport Initiative (prepared by GTA Consultants for the applicant as supporting information for the original concept plan).

Although the Sustainable Transport Initiative was supporting information for the Sydney Adventist Hospital application, in the broader context it notes that the aims and objectives of the broader Wahroonga Estate redevelopment remain of importance when considering sustainable transport initiatives for the Sydney Adventist Hospital. As such, the perimeter path has potential to link to the road network, such as to The Comenarra Parkway south-west of the site, and to Fox Valley Road north-east of the site.

It is understood that the hospital works are largely complete, yet the 4 metres wide perimeter shared path has not been constructed as part of the Hospital project and, moreover, was absent in any of the documentation accompanying the Part 3A application for the hospital.

The Sustainable Transport Initiative specifically identifies this facility as a 4 metres wide perimeter shared path. Specifically (paraphrasing),

- Provision of the shared path would promote use throughout the day;*
- It would include facilities such as exercise equipment, signage, water, lighting, seating, and tree planting for shade protection;*

- *Use of the shared path would be promoted to staff, visitors and patients, to aid recovery.*

A shared vehicle/bicycle network would not be able to be utilised by pedestrians and patients. Therefore, the following condition could be imposed:

The applicant is to provide a 4 metres wide perimeter path along the northern edge of the site with layout and facilities consistent with those recommended in the Sustainable Transport Initiative (GTA Consultants, 2010)".

Planning comment

Given the spatial constraints presented by the building footprint adjacent to the northern perimeter of the site, it would be difficult to provide a path width of 4 metres. This issue has subsequently been discussed with Council's Strategic Transport Engineer who has recommended the following in response:

"a 2.5 metres shared path would be acceptable in front of the building in the north-west corner of the site (Building A). A 3 metres shared path should be provided elsewhere".

Accordingly, the above recommendation is incorporated as a condition of consent below (**Condition 3**).

Landscaping

Council's Landscape Assessment Officer commented on the supplementary information as follows:

"Response to JRPP deferral terms

- 1. Advice in regard to the design and land requirements required by the RMS for intersection and road improvements. That advice is to define the impact of those works on the subject site.***

*The final design of the road improvements for The Comenarra Parkway have been described (Setback from kerb, DA49/C, MBMO, 16/07/15) and marked out on site. It is understood that the site boundary is to be retained in the same position as the existing boundary location. The existing trees (Trees 1-7) located along the front boundary to The Comenarra Parkway would **not** be removed for the RMS road widening requirements as assumed previously by the arborist. The retention of these visually prominent trees will be amended by condition (**Condition 20**) as it complies with the concept plan that required 'existing trees retained along Comenarra Parkway' (p63, Section 8.8 WER/SA Concept Plan dated January 2010).*

*Discussions on site with Council engineers indicated that with appropriate consideration of levels in the design of kerbs, retaining walls and footpaths, a further significant mature Turpentine (Tree 7) located within the nature strip on The Comenarra Parkway can be retained. Appropriate tree protection conditions should be provided in association with the proposed works to the nature reserve (**Condition 33**).*

2. **Consultation with Council so as to provide clarification as to the disputed location of the cycle network and compliance in that regard with the Concept Plan.**

Council engineers to assess (refer above comments).

3. **Amendment of the proposed subdivision to provide a minimum distance of 6 metres from the proposed allotment boundary to the eastern wall of the proposed buildings.**

The survey plan, prepared by RPS Group, dated 3/07/15 demonstrating the relocated boundary is unclear, however, following discussions with the Development Assessment Officer it is understood that the minimum distance of 6 metres from the proposed allotment boundary to the eastern wall of the proposed buildings, can be amended by condition (**Condition 2**).

It is assumed therefore that if the basement was 1.1 metres from the previous site boundary, the northern half of the building set back to Building C will achieve 4.6 metres width of deep soil along its eastern elevation. The southern half of the building setback to Building C will be 3.5 metres width due to the extent of the ground floor private courtyards of Units G02 and G03. This is considered satisfactory for the provision of proposed tree planting. The provision of canopy tree planting of *Syncarpia glomulifera* (Turpentine) or similar along the eastern elevation of Building C will be required by condition (**Condition 20**).

In regard to Building D, the basement entry from The Comenarra Parkway provides nil planting depth (refer East Elevation) to within 408 millimetres of the proposed site boundary. This conflicts with the landscape plan that proposes to this building. Planters constructed over the basement to enable achievement of the proposed planting of 'hedge and tree planting' along the eastern elevation of Building D will be required by condition" (**Condition 20**).

Urban Design

Council's Urban Design consultant commented on the supplementary information as follows:

"Item 1 – Supported

- 1.1 Amendments have clarified the southern boundary regarding RMS requirements and generally appear to meet setback requirements, subject to final approval by RMS and Council's landscape and engineering staff.

The exception is the south-eastern balcony component of Building D that encroaches into the 6 metres setback zone. From an urban design perspective, this encroachment, while not ideal, sufficiently meets the urban design objectives and achieves some additional corner treatment of Building D.

It is noted that traffic noise will be an issue for these balconies and that Elevations (DA-24) indicate this balcony will be open with solid

*balustrading. Solid balustrading (and appropriate acoustic treatment of all openings) will be necessary to abate traffic noise and ensure sufficient visual privacy is achieved. It is to be noted that should these balconies be enclosed, it will increase building bulk and result in setback encroachments of the main building form that would not be acceptable (**Condition 18**).*

Item 2 – Further clarification required

- 2.1 *Written information has been submitted that confirms the cycle network will not be a dedicated pathway as has been originally approved in MP07_0166. In its place, a vehicular share-way is now proposed.*

This confirms Council's repeated concerns that the cumulative effect of sought amendments has resulted in the loss of space within the subject development site that would otherwise have been used to accommodate a dedicated shared pedestrian/cycle path as illustrated in Figure 68 – Section 6 (p71); and Figure 80 (p78) – Pedestrian/Cycle Movement within the Final PPR and Concept Plan 2010 that included the following description:

To reinforce the living-working community environment it is important to deliver a well designed system to encourage alternative transport and reduce car dependence and a system of pedestrian and cycle linkages has been planned across the Estate.

Final PPR and Concept Plan 2010, p78

It is noted that Figure 68 – Section 6 illustrates the street section within the main ring-road through the Estate as indicated in Figure 80 upon which the subject site is located and which represents similar, connected, continuous street character. Figure 68 clearly shows a dedicated pedestrian/cycle path separate to the vehicular carriageway and as such, this formed the MP07_0166 Concept Approval. While the dedicated pedestrian/bike footpath disappeared from its location within the boundaries of Precinct C under the MOD 4 approval, commitments remained that the dedicated pedestrian/bike path would be accommodated in the Central Hospital Precinct (MP10_0070). This appears to have been inaccurate as submitted documents seek to vary that commitment. The status of the pedestrian/bike path commitment under MP07_0166 MOD 4 is to be clarified.

From an urban design perspective, a proposed shared vehicle/bike/pedestrian path confirms the pattern of continued dilution of the public domain within the Estate. This incremental erosion of the public domain will impact upon the communal and public amenity and urban character of the Estate.

Planning comment

This issue is addressed above in comments by Council's Strategic Transport Engineer. In response, it is recommended that a condition of consent be imposed to require provision of a dedicated shared pedestrian/bicycle path (**Condition 3**).

Item 3 – Not supported

Amendments have not achieved the 6 metres setback from the eastern boundary as required by the JRPP. Instead, a 3.483 metres setback has been proposed by moving the eastern boundary that same distance to the east. This is not supported.

This raises several issues that are discussed below:

- 3.1 Whether this technical non-compliance will guarantee a satisfactory spatial interface between Building C and the future mixed use building to the east, particularly as it is foreseeable that further modifications to those building footprints will be sought.*
- 3.2 Whether the proposed large trees will thrive within the 3.483 metres zone (which may be further reduced once piling and retaining walls for the basement car park are constructed).*
- 3.3 Whether the proposed boundary location is consistent with the boundary location and landscape character illustrated as Figure 14: Residential/Mixed Use Building Footprints Indicative Landscape Plan approved under MOD 4 MP07_0166 (DGEAR p18).*
- 3.4 Whether the proposed setback demonstrates adequate consideration of SEPP 65 Building Separations to achieve future amenity between Buildings C (and lesser extent Building D) and future mixed use development.*
- 3.5 The voracity of claims for fire protection on a 1-storey building that is planned for imminent demolition upon justifying not meeting the JRPP setback requirement.*

Discussion

3.1 Spatial Interface between Buildings C and D Residential and adjacent future Mixed Use zones:

Throughout Ku-ring-gai, a 6 metres deep soil setback serves multiple functions:

- a) to accommodate large trees so that both Ku-ring-gai's landscape character (and in the subject DA) the Concept Plan 'Campus' landscape character can be achieved;*
- b) so that equitable future (residential) development potential is achieved between sites without impacting on the amenity of either development; and*
- c) to ensure the design quality obligations for SEPP 65 Apartment Design Guide (formerly RFDC) building separations for acoustic and visual amenity are achieved (and as required under the MOD 4 MP07_0166 approval).*

Ultimate building separation will be dependent upon the future development application for the Mixed Use precinct and needs to be tested.

There is no pre-DA or development application that is current or imminent for the Mixed Use precinct.

Therefore, it is reasonably foreseeable that despite the current 'minimum' separation between Building C on the subject site and future building footprints for the Mixed Use site indicated on the current approved Concept Plan, there is nothing binding this separation. Hence, a future application could be expected to seek a reduction in separation where, for instance, a blank wall is proposed and thus a maximum 3.483 metres separation could be sought if the mixed use building is moved to a zero boundary setback

position. Such an outcome will not achieve the required landscape setting and would likely set in course a protracted period of negotiation, likely further amendments of the Concept Approval and ultimate delays.

Therefore, unless adequate large trees and ground area landscape can be guaranteed spatially and supported within deep soil within the subject development site, such a reduced separation will adversely impact the urban required under the Concept Approval for buildings within a landscape setting and implied outlook amenity.

Therefore, as required by the JRPP, a 6 metres setback within the subject development site from the subdivision boundary location is justified so that any future amendments within the Mixed Use development site can be adequately accommodated and an appropriate landscape interface can be achieved within the subject residential development site.

3.2 Whether the large trees will reach their potential height and spread within the proposed setback:

This will ultimately be an issue for Council's Landscape Officer as it is beyond the scope of urban design. However, from an urban design perspective, it will be important that the available deep soil and building separation enable large trees to reach their full potential to ensure the approved 'Campus' landscape character is delivered.

3.3 Whether the proposed boundary location is consistent with the approved MOD 4 MP07_0166 approval:

The answer is no.

MOD 4 MP07_0166 DGEAR p18 referenced Figure 14: Residential/Mixed Use Building Footprints Indicative landscape Plan which clearly demonstrates a minimum 6 metres deep soil setback from which the PAC found (my emboldened text):

*The proposed amendments to the concept plan **do not seek to amend the established landscape characters identified within the concept plan**, however, Council has raised concerns regarding the impact of the modification on the availability and provision of public domain/open space area for Precinct C.*

***P&I is satisfied that the proposed amendments to the building footprints in Precinct C retain opportunities for the establishment of a landscaped campus environment**, noting that a series of landscape pedestrian connections and courtyards are proposed to be provided (see Figure 14). **Further, the indicative landscape plan also details how the adjoining Education Centre, residential and mixed use building footprints may integrate** together through the use of consistent landscaping and public domain materials and interconnected spaces, which provide a seamless transition between the different spaces....*

...On the basis of the above, P&I is satisfied that the proposed amendments to the building footprints in Precinct C and Precinct D will not erode opportunities for the establishment of well designed and functional landscape and public domain areas.

This decision was on the basis of a clear boundary location for the subject residential development site and the mixed use site. This was located such that a minimum 6 metres setback was easily achieved and an avenue of large canopy trees and open landscape was provided on the subject residential development site.

The approved indicative landscape plan demonstrated to the PAC that an appropriate landscape character was achieved within the subject development site, and thus found an appropriate interface between the different land use zones both of which require different levels of public and private amenity could be achieved.

Therefore, it is unclear why the proposed amendments have sought to further vary the MOD 4 design if, as claimed, 'the boundary alignment in itself is somewhat irrelevant' (MacroPlan letter dated 16th July 2015). It clearly is relevant as the previous scheme proposed a zero boundary setback that achieved no landscape, which led the JRPP to require its reinstatement.

The proponents have advocated that because the mixed use precinct remains in the control of the Sydney Adventist Hospital (MacroPlan letter dated 16th July 2015), a subdivision line that achieves 6 metres is arbitrary as this can be accommodated within the building separation of the mixed use site.

The precautionary factor in this argument is that unless the spatial provision and landscape obligation can be, and is, demonstrated on the subject development site at the time of approval, there can be no guarantee it will be provided in subsequent applications. Indeed, no modification or development application to date has sought to increase the landscape or public domain on any of the development sites, rather it has been incrementally eroded with each application.

Therefore, there is no guarantee that the approved landscape setting will be achieved unless the submitted application retains the subdivision as approved under MOD 4 MP07_0166 and as directed by the JRPP to achieve a minimum of 6 metres setback from the boundary location.

3.4 Adequate SEPP 65 Building Separation considerations:

The submitted survey SPD Res_Building Separation_0715 describes the new proposed boundary position for the subdivision. However, the hatched multi-story residential building footprint does not correspond with that of the proposed development application so it is unclear what is being proposed.

This information should be coordinated so that the basement location, courtyards and balconies are clearly illustrated to provide an accurate representation of what is proposed and which should demonstrate a 6 metres setback to the elevated ground floor courtyards and walls or balconies above.

Habitable rooms and some balconies have their primary aspect to east, towards the mixed use development site and will expect good levels of outlook amenity.

It is foreseeable that the applicant will (quite reasonably) be wanting to maximise the yield for any future development in the mixed use precinct. There is a direct benefit to the mixed use development site if the boundary is

located 3.5 metres west of the approved MOD 4 MP07_0166 location by effectively double dipping developable area between applications.

The implications are that with the boundary location as is currently proposed, it provides the opportunity to move the future mixed use buildings further to the west and potentially achieves an additional one or two apartments per floor, particularly where blank walls are proposed for the western walls of future mixed use buildings. This may technically achieve SEPP 65 separations but would be inconsistent with MP07_0166 and MOD 4 approvals.

The outlook for residents in Building C could thus become compromised and there would be little recourse available as the site remains in the control of the current landholder. Hence, there is a potential issue that arises unless adequate landscape setbacks have been accommodated within the subject residential development site.

The MacroPlan letter dated 16th July 2015 states (my emboldened text):

*If the Panel were of a mind to 'secure' a shared space between the proposed residential buildings and any development on the mixed use site, our client would be agreeable to a condition of approval that 'locks in' a 6m or greater building **separation**. The condition could also require that no boundary fence or structure be located between the two developments.*

Any condition will need to be worded to ensure a differentiation is made between setback and separation. It will be necessary to ensure that a minimum building setback from the eastern boundary as well as minimum building separation between the two sites is achieved. Six metres would be an inadequate separation as suggested by the proponent's wording, particularly when as indicated elsewhere in the MacroPlan letter that the Concept Plan currently achieves a minimum 11 metres separation.

3.5 Fire protection for an existing medical building:

MacroPlan's letter dated 16th July 2015 states:

Providing a 6m setback will compromise the fire protection of an existing medical building located east of the SPD Residential project. If the boundary were to be located at 6m, a substantial engineering upgrade of this building would be required in order for the existing medical centre building to comply with Building Code of Australia, requiring any structure and opening within 3m of the site boundary to be 2hr fire protected.

No information has been provided that would support or substantiate this statement.

It is also noted that this building is a small single storey brick building that is due for demolition as part of the mixed use precinct redevelopment and relocation of the school.

Furthermore, there has been no apparent consideration of staging/timing of the boundary subdivision location. Such staging would allow construction of the residential development to proceed without impacting upon the existing medical building until such time as its demolition from whence the new subdivision location would come into effect.

A condition of approval would be that the subdivision location is to achieve a 6 metres building setback along the eastern boundary of Buildings C and D. A further condition is to enable an interim boundary location to be maintained to address any short term fire separation issues (if substantiated) during construction of Buildings A, B, C and D until such time as demolition of the medical building would trigger the final boundary location 6 metres to the east of Buildings C and D”.

Planning comment

Having regard to the above urban design comments and following discussions with Council's Building Surveyor, it is considered that insufficient documentation has been provided to verify the applicant's claim regarding implications of providing a 6 metres eastern boundary side setback on fire protection requirements for the existing medical building to the east. There is no compelling information to support the applicant's claim as it has not been substantiated by any supporting documentation, such as a fire engineer's report.

Additionally, as discussed above, the building footprint for the proposed development on the plan titled 'Shift of Proposed Boundary Between Lot 102 and Part Lot 101, SPD Residential Project, Wahroonga' (RPS Group, 03/07/2015) is inconsistent with the architectural plans and therefore cannot be relied upon for contextual purposes.

In the absence of accurate plans indicating the actual building footprints of the proposed building and existing medical building to the east, insufficient evidence is provided to verify the applicant's claim that provision of a 6 metres eastern side setback from the wall of Building C to the boundary would necessarily result in the existing medical centre building being within 3 metres of the boundary and hence subject to the fire protection upgrades as submitted by the applicant.

Moreover, architectural plans submitted (Level 1 Plan) appear to illustrate that provision of the recommended 6 metres eastern side setback from the wall of Building C to the boundary would result in a distance of 3.5 metres from the existing medical centre building to the subject boundary, therefore being in excess of 3 metres.

The eastern side setback issue is addressed in comments above in response to Item 3 of the JRPP deferral, including comments by Council's Landscape Assessment Officer. Accordingly, in order to achieve a suitable setback to facilitate future building separation and landscaping amenity as per the Concept Approval, a condition of consent is recommended to ensure a setback of 6 metres from the allotment boundary to the eastern wall of the proposed buildings (**Condition 2**). This setback requirement is in accordance with the JRPP deferral terms. Additionally, the condition will require that the ground floor terraces of Building C do not encroach within this setback by more than 2.5 metres, cognizant of the building footprint shown on the architectural site plan and ground floor plan.

This setback is considered sufficient to facilitate required building separation for the future mixed use development on the adjoining site, which will be subject to assessment in accordance with the Concept Approval.

LIKELY IMPACTS

The likely impacts of the development have been considered within this report and it is concluded that the proposal is now satisfactory, subject to conditions.

SUITABILITY OF THE SITE

The application as supplemented by additional information now addresses the concerns raised by the assessing officer and is satisfactory in relation to the relevant planning controls. As a consequence it is considered that the site is suitable for the development, subject to conditions.

ANY SUBMISSIONS

The amended application was not required to be notified. No submissions were received for this assessment. Submissions received as part of previous notifications of the application have been considered in the original assessment report (*Attachment J*).

Additional information provided in response to the JRPP deferral has satisfactorily resolved matters raised by the submissions.

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant planning controls, and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the provisions of the relevant planning controls and is deemed to be acceptable, subject to conditions. On this basis, the proposal as conditioned is considered to be in the public interest.

OTHER RELEVANT MATTERS

Section 94 Development Contributions

The development attracts a section 94 contribution of **\$1,947,547.89**, which is required to be paid by condition (*Condition 38*).

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development as supplemented by additional information is considered to be satisfactory. Therefore, it is recommended that the application be approved.

RECOMMENDATION

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Sydney West Joint Regional Planning Panel, as the consent authority, grant development consent to Development Application No. 0453/12, to construct 2 residential buildings (4 and 6 storeys) for student accommodation containing 126 studios, construct 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units),

basement carparking, landscaping and stormwater works and subdivision - pursuant to the Minister of Planning Major Project Approval No. 07_0166 MOD 4, Concept Plan for Wahroonga Estate (Precinct C: Central Hospital), at 185 Fox Valley Road Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

SCHEDULE A - Deferred commencement condition

Evidence required to satisfy the following condition must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement condition has been satisfied:

1. Registration of subdivision (deferred commencement)

The applicant is to submit for Council's approval documentary evidence that the subdivision approved under DA0030/12 has been registered and the lots to be subdivided into Lots 101 and 102 exist. This consent will not operate until the documentary evidence has been submitted to and approved by Council.

Reason: To ensure that the subdivision to create Lot 102 can be effected as proposed.

Upon receipt of written notification from Council that the abovementioned condition has been satisfied, the consent becomes operable and the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
Site plan: DA-04 (C)	MBMO Architects	15/10/2014
Setback from kerb plan: DA-49 (C)	MBMO Architects	16/07/2014
Ground floor plan: DA-05 (C)	MBMO Architects	15/10/2014
Level 1 plan: DA-06 (C)	MBMO Architects	15/10/2014
Level 2 plan: DA-07 (B)	MBMO Architects	22/05/2014
Level 3 plan: DA-08 (B)	MBMO Architects	22/05/2014
Level 4 plan: DA-09	MBMO Architects	22/05/2014
Level 5 plan: DA-10 (B)	MBMO Architects	22/05/2014
Level 6 plan: DA-11 (B)	MBMO Architects	22/05/2014
Roof plan: DA-12 (B)	MBMO Architects	22/05/2014
Basement 1 plan: DA-13 (C)	MBMO Architects	15/10/2014
Basement 2 plan: DA-14 (C)	MBMO Architects	15/10/2014
Basement 3 plan: DA-15 (C)	MBMO Architects	15/10/2014
North elevation: DA-22 (C)	MBMO Architects	15/10/2014
South elevation: DA-23 (B)	MBMO Architects	22/05/2014

East elevation: DA-24 (C)	MBMO Architects	15/10/2014
West elevation: DA-25 (B)	MBMO Architects	22/05/2014
Landscape plans: DA02 - DA11 (D)	Place Design Group	October 2014
Engineering plans: C01, C02, C03, C06, C10, C11, C15, C16, C20 and C21 (Revision P3)	Taylor Thomson Whitting	06/06/2014

Document(s)	Dated
Sample Board: DA-47 (B)	22/05/2014
Basix certificate No. 548968M	23 May 2014
Civil Design Report (Taylor Thomson Whitting)	05 June 2014
Bushfire Protection Assessment (Australian Bushfire Protection Planners Pty Ltd)	21/05/2014
Building Code of Australia Report, Revision C (Mckenzie Group)	08/05/2014
Ecologically Sustainable Development Strategy (WSP)	23/05/2014
Review of Access Provisions for People with a Disability (Access Associates Sydney)	14 October 2014
Access for People with Disabilities Development Application Review (Access Associates Sydney)	May 2014
Preliminary Stage 1 Environmental Site Assessment (Environmental Investigation Services)	October 2012
Geotechnical report (JK Geotechnics)	31 July 2012

Reason: To ensure that the development is in accordance with the determination.

2. Eastern boundary alignment/side setback

Amendment of the proposed subdivision is required to provide a minimum distance of 6 metres from the proposed allotment boundary to the eastern wall of the proposed buildings.

The ground floor terraces of Building C are not to encroach within this setback by more than 2.5 metres, cognizant of the building footprint shown on the architectural site plan and ground floor plan as referenced in **Condition 1**.

Amended plans to this effect are to be provided to the satisfaction of the Principal Certifying Authority prior to issue of a Construction Certificate.

Reason: To ensure suitable building separation and landscape amenity.

3. Shared footpath/cycleway

A dedicated shared footpath/cycleway is to be provided along the northern perimeter of the site (not a shared vehicular/cycleway on the internal road) as follows:

- The width of the path is to be a minimum of 3 metres, except along the frontage of Building A where it may be reduced to a minimum of 2.5 metres.
- Layout and facilities of the path should be consistent with those recommended in the Sustainable Transport Initiative (GTA Consultants, 2010).

Provision of the path is to be demonstrated on amended plans to the satisfaction of

the Principal Certifying Authority prior to issue of a Construction Certificate.

Reason: To deliver a system to encourage alternative transport and reduce car dependence.

4. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: To ensure that the development is in accordance with the determination.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

5. Asbestos works

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. Fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover Authority of NSW.

Reason: To ensure public safety.

6. No Stopping restriction

Prior to the commencement of any works on site, the applicant is to make a written application to Council's Traffic Committee for the installation of a full time "No Stopping" restriction along the Comenarra Parkway frontage of the site. The application is to be accompanied by the necessary fee for the preparation of the report. The signage is to be installed at the cost of the applicant prior to the commencement of any works on site.

Reason: Roads and Maritime Services requirement.

7. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

8. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

9. Dilapidation survey and report (public infrastructure)

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full road pavement width, including kerb and gutter, of Comenarra Parkway from Fox Valley Road to Browns Road and of Fox Valley Road from Comenarra Parkway to the Pacific Highway.
- All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

Note: A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.

Reason: To record the structural condition of public infrastructure before works commence.

10. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

Address

- the Education building to the west.
- to the immediate east of the development site if structures remain or have been constructed at that location.
- existing hospital building to the north.

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

Reason: To record the structural condition of likely affected properties before works commence.

11. Construction and traffic management plan

The applicant must submit to Council a Construction Traffic Management Plan (CTMP), which is to be approved by Council and Roads and Maritime Services prior to the commencement of any works on site.

The plan is to consist of a report with Traffic Control Plans attached.

The report is to contain commitments which must be followed by the excavation contractor, builder, owner and subcontractors. The CTMP applies to all persons associated with demolition, excavation and construction of the development.

The report is to contain construction vehicle routes for approach and departure to and from all directions.

Heavy truck movements are to occur outside of peak traffic periods and school zone periods. All construction vehicles are to be accommodated on site.

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for an 11 metre long heavy rigid vehicle.

The Traffic Control Plans are to be prepared by a qualified person (red card holder). One must be provided for each of the following stages of the works:

- o Excavation
- o Concrete pour
- o Construction of vehicular crossing and reinstatement of footpath
- o Traffic control for vehicles reversing into or out of the site.

Traffic controllers must be in place at the site entry and exit points to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

When a satisfactory CTMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTMP as well as any conditions in the letter issued by Council. Council's Rangers will be patrolling the site regularly and fines may be issued for any non-compliance with this condition.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

12. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

13. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Schedule	
Tree/Location	Radius in metres
Tree 1 - 6/ <i>Syncarpia glomulifera</i> (Turpentine) a row of trees located on the front boundary to Comenarra Parkway	Tree protection fencing is to be erected at the perimeter of the tree protection zone as listed in the Tree Assessment Schedule. Fencing may be setback maximum 2m from the proposed building face along the entire front setback of the building only where ground protection has been provided.
Tree 7/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	Tree protection fencing is to be erected 2m from the proposed building face. Ground protection is to be laid for the 2m between the tree protection fence and the building. Tree protection of approximate 11m radius is to be provided the nature strip
Tree F59/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	Tree protection fencing is to be erected 2m from the proposed building face. Fencing may be setback for approved works within TPZ only where ground protection has been provided.
Tree F60/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	Tree protection fencing is to be erected 2m from the proposed building face. Fencing may be setback for approved works within TPZ only where ground protection has been provided.
Tree F61/ <i>Lophostemon confertus</i> (Brushbox) located along the eastern boundary of the site.	Tree protection fencing is to be erected 2m from the proposed building face. Fencing may be setback for approved works within TPZ only where ground protection

	has been provided.
Tree F62/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	Tree protection fencing is to be erected 2m from the proposed building face. Fencing may be setback for approved works within TPZ only where ground protection has been provided.
Tree F63/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	Tree protection fencing is to be erected 2m from the proposed building face. Fencing may be setback for approved works within TPZ only where ground protection has been provided.
Tree F65/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	Tree protection fencing is to be erected 2m from the proposed building face. Fencing may be setback for approved works within TPZ only where ground protection has been provided.

Reason: To protect existing trees during the construction phase.

14. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

Tree protection zone.

- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted.
- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report.
- The arborist's report shall provide proof that no other alternative is available.
- The Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council.
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

15. Tree protection mulching

Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

Reason: To protect existing trees during the construction phase.

16. Tree fencing inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

17. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's Waste Management controls in the Kuring-gai Development Control Plan.

The plan shall address all issues identified in Council's DCP, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

18. Acoustic treatment (The Comenarra Parkway frontage)

Appropriate acoustic treatment shall be provided for all openings to buildings with frontage to The Comenarra Parkway (southern elevation of Building B & Building D).

Details to this effect are to be provided to the satisfaction of the Principal Certifying Authority prior to issue of a Construction Certificate.

Note: *The balconies are to have solid balustrading but are not to be enclosed.*

Reason: Acoustic privacy/amenity.

19. Garbage and recycling facilities

An appropriate area shall be provided at the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The garbage storage area shall be covered and all internal walls be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning. Details of the waste storage area indicating compliance with the above, are to be provided to the Principal Certifying Authority (PCA) prior to issue of a Construction Certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area.

20. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with

Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Title	Drawn by	Dated
DA02 - DA11 Revision D	Landscape Plans	Place Design Group	October 2014

The above landscape plan(s) shall be amended in the following ways:

1. The existing stone wall along the front boundary to Comenarra Parkway is to be retained.
2. Trees 1 to 7 are to be shown to be retained and all levels in the vicinity of these trees are to be clearly shown to be retained. All plans are to be modified to retain these significant trees along Comenarra Parkway.
3. A row of at least five (5) *Syncarpia glomulifera* (Turpentine) are to be shown to be planted at approximate 7 metres centres within the eastern building setback to Building C.
4. An on slab planter is to be provided to the basement entry structure from Comenarra Parkway of sufficient depth to enable the successful establishment of the proposed planting shown within the eastern building setback of Building D, including shrubs and trees that can achieve minimum 8-10 metres in height.
5. To create avenue planting, the proposed planting of Magnolia 'Exmouth' along the central avenue is to be planted in association with a row of canopy forming deciduous trees that can attain at least 8m in height.
6. To ensure their viable establishment, the proposed canopy trees greater than 6m in height are not to be planted less than 3m from buildings.
7. To provide building separation, an additional two deciduous canopy trees that can achieve 10m in height are to be planted within the communal open space between Building B and D.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the amended landscape plan has been submitted as required by this condition.

Note: An amended landscape plan shall be submitted to the Certifying Authority.

Reason: To ensure that the development is in accordance with the determination.

21. Amendments to approved engineering plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved engineering plan(s), listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
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C02, C03 and C15 Revision P3	Taylor Thomson	06.06.14
Civil Design Report	Whitting	05 June 2014

The above engineering plan(s) shall be amended as follows:

1. The volume for the rainwater tank is to be consistent on all plans.
2. Re-use for the stored rainwater is to be for toilet flushing as well as irrigation, unless calculations are provided to demonstrate that the objectives of Section 4.2 of the Hyder Report can be achieved with irrigation alone.
3. MUSIC modelling is to be provided to demonstrate that the water quality targets of Council's DCP 47 *Water management* will be achieved with the proposed treatment train.

The above amendments are required to ensure compliance with the following:

- The concept approval and Statement of Commitments
- Wahroonga Estate Flooding and Stormwater Master Plan (Hyder Consulting, February 2009) .

Note: An amended engineering plan, prepared by a qualified engineer shall be submitted to the Certifying Authority.

Reason: To ensure that the development is in accordance with the determination.

22. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

23. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$20,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$20,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

24. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Note: Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

Reason: To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

25. Air drying facilities

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line and in a position not visible from the public domain.

In lieu of the above, written confirmation that all units will be provided with internal clothes drying facilities prior to the Occupation Certificate is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Amenity & energy efficiency.

26. External service pipes and the like prohibited

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on construction certificate plans and detailed with construction certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on construction certificate plans and detailed with construction certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like this must be detailed in an amended development (S96) application and submitted to Council for determination.

Vent pipes required by Sydney Water must not be placed on the front elevation of the building or front roof elevation. The applicant, owner and builder must protect the appearance of the building from the public place and the appearance of the streetscape by elimination of all external services excluding vent pipes required by Sydney Water and those detailed upon development consent plans.

Reason: To protect the streetscape and the integrity of the approved development.

27. Access for people with disabilities (residential)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

28. Excavation for services

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

29. Recycling and waste management

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with Council's DCP. The garbage collection point is to be accessible by Council's Waste Collection Services.

The responsibility for:

- the cleaning of waste rooms and waste service compartments; and
- the transfer of bins within the property, and to the collection point once the development is in use;

shall be determined when designing the system and clearly stated in the Waste Management Plan.

Note: The architectural plans are to be amended and provided to the Certifying Authority.

Reason: Environmental protection.

30. Noise from plant in residential zone

Where any form of noise generating equipment associated with the use of the premises including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates and lift motors, garbage truck reversing alarms, ducting and the like, is proposed as part of the development, the Certifying Authority shall be satisfied prior to the issue of the Construction Certificate, that the operation of an individual piece of equipment and the operation of all of the

equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the nearest affected residence and property boundaries and when in operation will not be audible within a habitable room in any residential premises before 7am and after 10pm on any day.

C1. Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant, including but not limited to the noise sources listed above, in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

31. Location of plant (residential flat buildings)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

C1. Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

32. Basement car parking details

Prior to issue of the Construction Certificate, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Certifying Authority. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 "Off-street car parking"
- a clear height clearance of **2.6 metres** (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area
- a physical separation is to be provided between the service area and the general parking area, and the splay and island at the service vehicle entry are adequate to accommodate the largest vehicle to enter the site so that it can enter and leave from the kerbside lane.
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

Reason: To ensure that parking spaces are in accordance with the approved development.

33. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Comenarra Parkway:

- Kerb and gutter and footpath along the site frontage and to meet the footpath outside the Education Building. A retaining wall is to be provided behind the kerb so that the footpath will bridge over tree roots. The plans are to include an elevation along the footpath and note that hand excavation is to be undertaken where works are near trees.
- The new vehicular entrance to the service area.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

Reason: To ensure that the plans are suitable for construction purposes.

34. Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal

Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

35. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

Reason: To ensure compliance with the requirements of relevant utility providers.

36. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

37. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.

d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure.

38. Section 94 Development Contributions - Non-Centres

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and Local sporting facilities	\$1,662,963.18
Local recreational and cultural, Local social facilities	\$284,584.71
TOTAL CONTRIBUTIONS	<u>\$1,947,547.89</u>

The contribution shall be paid to Council prior to the issue of any Construction Certificate, Linen Plan, Certificate of Subdivision or Occupation Certificate whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are as at the March 2015 quarter and are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010. Prior to payment, please contact Council directly to verify the current payable contributions.

[Ku-ring-gai Contributions Plan 2010 may be viewed at www.kmc.nsw.gov.au and at the Council Chambers.](http://www.kmc.nsw.gov.au)

Reason: To ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

39. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

Reason: Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

40. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

41. Hours of work

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon 1.00pm.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Note: Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

42. Temporary irrigation

Temporary irrigation within the Tree Protection Fencing is to be provided. Irrigation volumes are to be determined by the Project Arborist.

Reason: To protect trees to be retained on site.

43. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

44. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

45. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust

- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties.

46. Post-construction dilapidation report

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council at the completion of the construction works.

Reason: Management of records.

47. Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by **JK Geotechnics dated 31 July 2012**. Over the course of the works, a qualified geotechnical/hydrogeological engineer must complete the following:

- further geotechnical investigations and testing recommended in the above report(s) and as determined necessary
- further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary
- written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs

Reason: To ensure the safety and protection of property.

48. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control

- support and retention of excavated faces
- hydrogeological considerations

must be undertaken in accordance with the recommendations of the geotechnical report prepared by **JK Geotechnics dated 31 July 2012**. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

49. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

50. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

51. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

52. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

53. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

54. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

55. Approval for rock anchors

Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

Reason: To ensure the ongoing safety and protection of property.

56. Maintenance period for works in public road

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant receives a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure.

57. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is

diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction.

58. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

59. Sydney Water Section 73 Compliance Certificate

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au <<http://www.sydneywater.com.au>> then the "e-develop" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the CoOrdinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Reason: Statutory requirement.

60. Project arborist

A suitably qualified project arborist (AQF level 5) is to be engaged to advise the Principal Certifying Authority on the protection of trees at the site and to supervise the installation and maintenance of tree protection measures required by this consent.

Prior to the commencement of any works including demolition on the site in areas required to be protected by this consent, the project arborist shall inspect the site and satisfy himself/herself that the protection measures are in accordance with the approved design and must provide a written certification to the Principal Certifying Authority to that effect.

If not satisfied, the project arborist must provide to the Principal Certifying Authority a list of works that are to be completed to ensure compliance with all conditions of consent relating to the protection of trees at the site. Those works must be undertaken to the satisfaction of the project arborist.

Reason: To ensure protection of existing trees.

61. Arborist's report

All trees to be retained shall be inspected and monitored by an AQF Level 5 Arborist in accordance with AS4970-2009 during and after completion of development works to ensure their long term survival. An arborist report prepared by Tree IQ dated 20 October 2014, Revision G has been submitted with this application. Tree numbers refer to the plan in this report. Regular inspections and documentation from the project arborist to the Principal Certifying Authority are required during all works within the canopy spread of all existing trees on site and overhanging from adjoining sites, including date, brief description of the works inspected, and any mitigation works prescribed.

All monitoring shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

- All works as recommended by the project arborist are to be undertaken by an experienced arborist with a minimum AQF Level 3 qualification.

Reason: To ensure protection of existing trees.

62. Canopy/root pruning

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced AQF level 3 Arborist under the supervision of the Project Arborist and in accordance with detailed description in Table 2, Section 3.8.2 Arborist Report, Tree IQ, 20 October 2014, Revision G and the reduction pruning clause of AS4373-2007. All other branches are to be tied back and protected during construction, under the supervision of a qualified arborist.

Schedule	
Tree/location	Tree works
Tree 2/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	Minor pruning for building clearance
Tree 3/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	Minor pruning for building clearance
Tree 4/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	Minor pruning for building clearance
Tree 5/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	Minor pruning for building clearance
Tree 7/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	Minor pruning for building clearance
Tree F59/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	Minor pruning for building clearance.
Tree F60/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	Minor pruning for building clearance
Tree F61/ <i>Lophostemon confertus</i> (Brushbox) located along the eastern boundary of the site.	Minor pruning for building clearance
Tree F62/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	Minor pruning for building clearance
Tree F63/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	Minor pruning for building clearance
Tree F65/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	Minor pruning for building clearance

Reason: To protect the environment.

63. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

Reason: To protect existing trees.

64. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Schedule	
Tree/Location	Approved tree works
Tree 20/ <i>Liquidambar styraciflua</i> (Liquidambar) located on the northern side of the site	Removal
Tree 21/ <i>Fraxinus sp.</i> (Ash) located on the northern side of the site	Removal
Tree 22/ <i>Liquidambar styraciflua</i> (Liquidambar) located on the northern side of the site	Removal
Tree 23/ <i>Quercus robur</i> (English Oak) located on the northern side of the site	Removal

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

Reason: To ensure that the development is in accordance with the determination.

65. Excavation near trees

No mechanical excavation shall be undertaken within the specified radius of the trunk(s) of the following tree(s) until root pruning by hand to minimum 700mm depth along the perimeter line of such works, is completed:

Schedule	
Tree/Location	Radius in metres
Tree 1/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	7.2m
Tree 2/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	8.64m
Tree 3/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	5.4m
Tree 4/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	7.8m
Tree 5/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	10.8m
Tree 6/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	9m

Tree 7/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	11.1m
Tree F59/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	5.8m
Tree F60/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	9.6m
Tree F61/ <i>Lophostemon confertus</i> (Brushbox) located along the eastern boundary of the site.	6.6m
Tree F62/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	10.2m
Tree F63/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	10.2m
Tree F65/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	10.8m

Reason: To protect existing trees.

66. Hand excavation

All excavation, excluding excavation for the basement, within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

Schedule	
Tree/Location	Radius in metres
Tree 1/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	7.2m
Tree 2/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	8.64m
Tree 3/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	5.4m
Tree 4/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	7.8m
Tree 5/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	10.8m
Tree 6/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	9m
Tree 7/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	11.1m
Tree F59/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	5.8m
Tree F60/ <i>Syncarpia glomulifera</i> (Turpentine) located on the front boundary to Comenarra Parkway	9.6m
Tree F61/ <i>Lophostemon confertus</i> (Brushbox) located along the eastern boundary of the site.	6.6m
Tree F62/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	10.2m
Tree F63/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	10.2m
Tree F65/ <i>Eucalyptus microcorys</i> (Tallowood) located on the eastern boundary of the site	10.8m

Reason: To protect existing trees.

67. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

68. Tree removal on nature strip

Following removal of the Tree 59A/*Liquidambar styraciflua* (Liquidambar) located at the western corner of the site, within the Comenarra Parkway nature strip from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

Reason: To protect the streetscape.

69. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

70. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Reason: To maintain the treed character of the area.

71. Survey and inspection of waste collection clearance and path of travel

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, a registered surveyor is to:

- ascertain the reduced level of the underside of the slab at the driveway entry,
- certify that the level is not lower than the level shown on the approved DA plans; and
- certify that the minimum headroom of 2.6 metres will be available for the full path of travel of the small waste collection vehicle from the street to the collection area.
- This certification is to be provided to Council's Development Engineer prior to any concrete being poured for the ground floor slab.
- No work is to proceed until Council has undertaken an inspection to determine clearance and path of travel.

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, Council's Development Engineer and Manager Waste Services are to carry out an inspection of the site to confirm the clearance available for the full path of travel of the small waste collection vehicle from the street to the collection area. This inspection may not be carried out by a private certifier because waste management is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

Reason: To ensure access will be available for Council's contractors to collect waste from the collection point.

72. On site retention of waste dockets

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an Authorised Officer of Council.

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

73. Restriction on use of accommodation

The use of the residential accommodation approved by this consent is restricted as follows:

- Building 'A' & Building 'B' restricted to accommodation for students of the Wahroonga Estate Education Centre only
- Building 'C' & Building 'D' restricted to accommodation for key health workers employed within the Wahroonga Estate only

A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure the above requirements are met.

Reason: To ensure the development is in accordance with the determination.

74. Noise

- a) All noise generating equipment associated with the use of the premises including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates and lift motors, garbage truck reversing alarms, ducting and the like must not exceed the background noise level by more than 5 decibels between 7am and 10pm when measured at the nearest affected residence and property boundary.
- b) All noise generating equipment associated with the use of the premises, including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates and lift motors, garbage truck reversing alarms, ducting and the like must not exceed the background noise level at all between 10pm and 7am at the nearest affected residence and property boundary.

Note: Written confirmation from a suitably qualified acoustic consultant that the development achieves compliance with this noise criteria is to be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

- c) Written confirmation is to be submitted to the Principal Certifying Authority from a suitably qualified acoustic consultant that the development complies with Australian Standard AS3671-1989; AS2107-2000; BCA noise requirements between occupancy types; the NSW Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines December 2008' (DNRCBR 2008) and noise reduction recommendations of the acoustic consultant report (Reference: SPD Residential Development Wahroonga - Development Application Acoustic Report ITCE 1263 prepared by Cardno (NSW/ACT) Pty Ltd dated 29 October 2012) prior to the release of the Occupation Certificate.

Reason: To protect residential acoustic amenity.

75. Easement for waste collection

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that an easement for waste collection has been created under Section 88B of the Conveyancing Act 1919. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

Reason: To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

76. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 548968M have been complied with.

Reason: Statutory requirement.

77. Clotheslines and clothes dryers

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

Reason: To provide access to clothes drying facilities.

78. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:
 - the Building Code of Australia
 - Australian Standard AS1668

- Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm on any day. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest affected residence and property boundary.

Reason: To protect the amenity of surrounding properties.

79. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

80. Completion of tree works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all tree works, including pruning in accordance with AS4373-2007 or remediation works in accordance with AS4370-2009, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the tree works are consistent with the development consent.

81. Accessibility

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 - 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: Disabled access & services.

82. Retention and re-use positive covenant

If the re-use of rainwater for toilet flushing or other internal purpose is proposed, then prior to issue of the Occupation Certificate, the applicant must create a positive

covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

83. Certification of drainage works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- retained water is connected and available for use
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

Note: Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

84. WAE plans for stormwater management and disposal

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

Reason: To protect the environment.

85. OSD positive covenant/restriction

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

86. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

Reason: Statutory requirement.

87. Certification of as-constructed driveway/carpark

Prior to issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" in terms of minimum parking space dimensions
- a physical separation is provided between the service area and the general parking area, and the splays and island at the service vehicle entry are adequate to accommodate the largest vehicle to enter the site so that it can enter and leave from the kerbside lane.
- Appropriate signposting is erected at the entrance on the Comenarra Parkway to notify motorists that the access is to be used for service vehicles only.
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- no doors, gates, grilles or other structures have been provided in the access driveway to the service area, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - **2.6 metres** height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.

Note: Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

88. Construction of works in public road - approved plans

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped

drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

Reason: To ensure that works undertaken in the road reserve are to the satisfaction of Council.

89. Mechanical ventilation

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the building.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE:

90. Sydney Water Section 73 Compliance Certificate

Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.

Reason: Statutory requirement.

91. Requirements of public authorities for connection to services

Prior to the issue of the Subdivision Certificate, the Principal Certifying Authority shall be satisfied that the applicant has complied with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the applicant.

Note: Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifying Authority.

Reason: To ensure that services are available to the allotments of land.

92. Provision of services

Prior to issue of the Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

Reason: Access to public utilities.

93. Submission of 88b instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

94. Submission of plans of subdivision (Torrens title)

For endorsement of the subdivision certificate, the applicant shall submit an original plan of subdivision plus 6 copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:

- a) the endorsement fee current at the time of lodgement
- b) the 88B instrument plus 6 copies
- c) all surveyor's and/or consulting engineers' certification(s) required under this subdivision consent
- d) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.
- e) Proof of payment of S94 contribution

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. **Plans and copies of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works.**

Reason: Statutory requirement.

95. General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

Reason: To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

96. Garbage and recycling facilities

All waste and recycling bins associated with the premises are to be stored within the designated internal waste storage area.

Reason: To prevent pollution of the environment and to protect the amenity of the area.

97. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 2005 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of surrounding properties.

98. No door restricting internal waste collection in basement

At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

At all times, the service area is only to be used by waste collection, service and furniture removalist vehicles.

At all times, service vehicles are only to enter and leave the driveway in a forward direction, from and to the kerbside lane.

Reason: To facilitate access to the garbage collection point.

99. Noise from plant in residential zone

All noise generating equipment associated with the use of the premises including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates and lift motors, garbage truck reversing alarms, ducting and the like must not exceed the background noise level by more than 5 decibels between 7am and 10pm when measured at the nearest affected residence and property boundary.

All noise generating equipment associated with the use of the premises, including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates and lift motors, garbage truck reversing alarms, ducting and the like must not exceed the background noise level at all between 10pm and 7am at the nearest affected residence and property boundary.

Reason: To comply with best practice standards for residential acoustic amenity.

100. Loading and unloading

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

Reason: To ensure safe traffic movement.

101. Unobstructed driveways and parking areas

At all times, all driveways and parking areas shall be unobstructed. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Reason: To ensure safe traffic movement.

Joshua Daniel
Executive Assessment Officer

Richard Kinninmont
Team Leader
Development Assessment

Corrie Swanepoel
Manager Development Assessment

Michael Miocic
Director Development and Regulation

ATTACHMENTS:

Attachment	Description	TRIM No.
A	Applicant letter responding to JRPP deferral	2015/235948
B	RMS advice regarding proposed modifications to existing traffic signals (dated 26 July 2012)	2015/235949
C	RMS traffic signals plans	2015/235952 2015/235955
D	Applicant's consulting traffic engineer letter regarding length of left turn lane for intersection upgrade	2015/235956
E	Architectural plan detailing kerb setbacks	2015/235960
F	Subdivision plan	2015/235962
G	Plan of eastern boundary alignment	2015/235964
H	Mod 4 approved indicative floor plan	2015/236539
I	Estate access diagram	2014/146170
J	Assessment report considered by JRPP at the meeting on 16 June 2015	2013/025988
K	JRPP decision (deferral) at the meeting on 16 June 2015	2015/236041